UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

RAY ANTHONY USSERY]		
Plaintiff,]		
]	1 07 004	ි
v .]	No	
]	Judge Campbell	
MARSHALL COUNTY JAIL]		
Defendant]		

ORDER

The Court has before it a *pro se* prisoner complaint under 42 U.S.C. § 1983 and an application to proceed in forma pauperis.

It appears from the application that the plaintiff lacks sufficient financial resources to pay the \$350.00 filing fee Accordingly, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will file the complaint in forma pauperis. 28 U.S.C. § 1915(a).

The plaintiff is herewith assessed the civil filing fee of \$350.00. Pursuant to 28 U.S.C § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; $\underline{\mathbf{or}}$
- (b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the prior six (6) months

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding

monthly income (or income credited to the plaintiff's trust account for the preceding month), but

only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three

hundred fifty dollars (\$350 00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk

of Court 28 U S.C. § 1915(b)(2).

In accordance with the Memorandum contemporaneously entered, plaintiff's complaint is

legally frivolous within the meaning of 28 U S C. § 1915(e)(2) and is hereby DISMISSED.

An appeal of the judgment rendered herein would not be taken in good faith. Coppedge v.

United States, 369 U.S. 438, 445-446 (1962) Therefore, the plaintiff is NOT certified to pursue an

appeal of this judgment in forma pauperis. 28 U.S.C. § 1915(a)(3).

Nevertheless, should the plaintiff decide to file a notice of appeal, he must either pay the

Clerk of Court the full appellate filing fee of four hundred fifty five dollars (\$455.00) or submit a

new application to proceed in forma pauperis with a certified copy of his inmate trust account

statement for the previous six month period 28 U.S.C. § 1915(a)(1); McGore v. Wrigglesworth, 114

F 3d 601 (6th Cir. 1997)

The Clerk is directed to send a copy of this order to the Sheriff of Marshall County to ensure

that the custodian of plaintiff's inmate trust account complies with that portion of the Prison

Litigation Reform Act relating to the payment of the filing fee

Entry of this order shall constitute the judgment in this action.

It is so ORDERED

Todd Campbell

United States District Judge

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